

Furthermore, it is in no way "obvious" to modify Bogenschutz to arrive at the instant structure. In order to do so, one would have to throw out Bogenschutz's half-sphere mounting, removable pins, separate means for allowing horizontal movement and ALL of the entirety of Bogenschutz's primary structure! In other words, there would be no Bogenschutz left! In Bogenschutz, the bearing is a secondary structure placed for horizontal movement; almost an afterthought. It does NOT perform the function of, nor is it, nor has it ever been contemplated to be, nor is there even the slightest suggestion that it even could be the primary means for support of the cars.

M.P.E.P. 2144.04 (b): Elimination of a step or an element and the retaining of its function is an indicia of unobviousness.

M.P.E.P. 2144 page 2100-114, First col., middle, that "obviousness cannot be established without also providing evidence of the motivating force which would impel one skilled in the art to do what the patent applicant has done." *Ex parte Levengood* rule "What would be the prior art's rationale to dispense with all their structure?"

Examiner's statement on page 4 that the bearing "reduce friction or wear in the articulation" does NOT even bespeak of the instant purpose of the instant structure. Instant disclosure teaches full articulation of railcars IN THE YARD by ordinary workers using the instant bearing-support plate structure. There is no prior art that so teaches. Examiner has provided none. Instant bearing simultaneously fully supports the car while allowing full articulation of cars.

Examiner admits that Brouillette does not disclose the instant structure. What would be examiner's "evidence of the motivating force" that would compel Brouillette to dispense with his overly thought out and complicated structure for supporting cars and go with a simple bearing in its stead? Why did Brouillette (or any other inventor) make such elaborate car supports in the first place if all he thought he needed was a bearing such as taught by the instant structure?

In fact in any prior art, why are railcars supported as they are? And what is it about their complex supports that would lend itself for the prior inventors to

toss their supports away in favor of the instant structure? If there is nothing in the prior art to suggest the answer, then non-obviousness is proven.

Instant invention's bearing is the primary means to accomplish ALL car support and ALL car movement simultaneously using only one element. That applies whether that element is a race ("at least one...") or a single bearing.

Simultaneous support, permitting car vs. car motion, and separable connectivity in one element is not found in the prior art and is only claimed in the instant application.

Applicant calls examiner's attention to lines 15, 16 of Claim 1 where it says: "said railcar is separably supported at the juncture of said support plate and said at least one bearing". That is all that needs to be said. There exists no equivalent structure nor is there any objective suggestion in the prior art to modify any structure to obtain the instant structure. Neither is there any motivation to do so. Thus both the requirements for overcoming exact sameness of structure (35 USC 102) and the U. S. Supreme Court's John Deere Test, MPEP 706.02, 2100+, to overcome obviousness is satisfactorily met to prove novelty.

In fact, examiner's recitation of multiple pieces of "pertinent" art shows that no prior art ever even suggested the single-element support structure of the instant invention. Thus by *Deere*, there is no showing of "obviousness" and the instant claims distinguish over the prior art unchanged.

If examiner can show a single-element, multi-function articulating support in the prior art, then and only then may examiner reject under 102. For an obviousness rejection, examiner, per the Supreme Court, MPEP 706.02, 2100+, must show either prior art or publication objectively contemplating the possibility of using a single-element, multi-function articulating support.

See also Claim 10, lines 14-16 and Claim 17, lines 8, 9.

Because of the instant single-element multiple operation, all instant claims are allowable unchanged. All rejections are traversed.

Immediate allowance of the instant claims and the swift passing of the case to issue is respectfully requested.

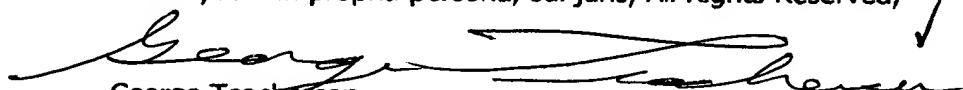
The already-adjudged-allowable claims 7, 16 and 20 are still allowable as they depend upon the shown-to-be-allowable independent claims.

As to the materials claims, examiner's statement claiming "common and everyday occurrence" as to Claim 3 is entirely incorrect. A composite truck was designed ONCE and did not sell. It has NEVER been tried again. Examiner's statement is entirely wrong.

The instant materials claims are however instantly dependent upon other, allowable claims. As such they take on the allowable aspects of the other claims and so themselves become allowable.

Thus, all claims are allowable unchanged (save for the objections) and the examiner is respectfully requested to allow all claims and swiftly pass the case to issue.

Thank you. In propria persona, sui juris, All Rights Reserved,



George Teacherson,

Patent Agent, Reg. # 27,958

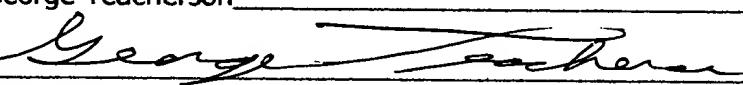
Inventor,

Tel: 561 / 655 - 2561

"I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Commissioner of Patents and Trademarks, Washington, D.C. 20231, on July 26,
2K2

Name of Applicant, Assignee, or Registered Representative

George Teacherson

Signature 
Date July 26, 2K2